

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-215662.3

DATE: October 29, 1984

MATTER OF: Aviation Enterprises Inc.

DIGEST:

Where protester's allegation is not supported by any evidence, and record contains evidence refuting allegation, allegation is considered to be without merit.

Aviation Enterprises Inc. (Aviation) protests the cancellation of request for proposals (RFP) No. F047-35-84-R-0004 issued by the Department of the Air Force (Air Force), Sacramento Air Logistics Center, for the lease of aircraft.

The protest is summarily denied without obtaining an agency report since it is clear from the material submitted by the protester that the protest is without merit. U.S. Air Tool Co., Inc., B-214159, Feb. 14, 1984, 84-1 C.P.D. ¶ 200.

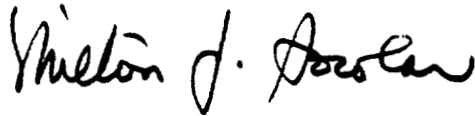
Aviation points out that the Air Force has issued conflicting letters as to the reason for cancellation of the RFP after award of a contract to an offeror that allegedly did not meet the specifications. On the one hand, the Air Force has advised that the RFP was canceled because the requirements for speed, range, engine and altitude were excessive. On the other hand, the Air Force has advised that it no longer has a requirement to lease the aircraft. The latter advice, dated October 4, 1984, was the last furnished by the Air Force.

Aviation contends that the Air Force cannot establish that the specifications were excessive and that the advice that there is no longer a need for the aircraft is incorrect because the using activity has confirmed that it has a need for the aircraft.

Cancellation of a solicitation is proper where the supplies or services are no longer required. Northpoint Investors, B-209816, May 17, 1983, 83-1 C.P.D. ¶ 523. While Aviation contends that the using activity has confirmed that it still has a need for the aircraft, Aviation has furnished no evidence in that regard. In fact, submitted with Aviation's protest is a copy of the letter dated October 4, 1984, from the issuing office, Sacramento Air Logistics

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Center, which states that there is no longer a need to lease the aircraft. Since the protester's allegation is not supported by any evidence, we consider the allegation to be without merit. The Nedlog Company; Institutional Beverages, B-212665, B-212665.2, Feb. 22, 1984, 84-1 C.P.D. ¶ 215.

for 
Comptroller General
of the United States